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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/666,977  | 09/18/2003  | Anthony Bloesch      | MS302062.1/MSFTP487US | 8617             |
| 27195   | 7590        | 12/15/2006           | EXAMINER              |                  |
| AMIN, TUROCY & CALVIN, LLP<br>24TH FLOOR, NATIONAL CITY CENTER<br>1900 EAST NINTH STREET<br>CLEVELAND, OH 44114 |             |                      | INGBERG, TODD D       |                  |
|   |             |                      | ART UNIT              | PAPER NUMBER     |
|   |             |                      | 2193                  |                  |

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/666,977             | BLOESCH ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Todd Ingberg           | 2193                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 October 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1, 4, 8, 11 - 13, 18, 22, 29 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5-7,9,10,14-17,19-21,23-28,30-34 and 36-41 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 4, 8, 11 - 13, 18, 22, 29 and 35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/18/2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

Claims 1, 4, 8, 11 – 13, 18, 22, 29 and 35 have been examined.

Claims 2-3, 5-7, 9-10, 14-17, 19-21, 23-28, 30-34 and 36-41 have been cancelled.

Claims 1, 4, 8, 11 – 13, 18, 22, 29 and 35 have been amended.

### *Specification*

1. The new title of the invention has been entered.

### *Claim Rejections - 35 USC § 101*

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4, 8, 11 – 13, 18, 22, 29 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the final result of the claim is for an object oriented modeling system (Aspect Oriented not explicitly claimed) which is not a tangible result because not updating, storing or displaying to a computer readable medium is claimed. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

[http://www.uspto.gov/web/offices/pac/dapp/ropa/preognitice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/ropa/preognitice/guidelines101_20051026.pdf)

The claims must claim a tangible result. Displaying to a monitor, updating to storing to a computer readable medium etc. ***The result*** of the operation is not clearly being claimed to be stored, updated or displayed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 8, 11 – 13, 18, 22, 29 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Template Software.

The **Template** product line contains:

The SNAP programming language ( Not used in this Office Action)

The Workflow Template (Two manuals used)

The Web Component ( Not used in this Office Action)

These three layered products work together.

The documentation sets for the products contains the following manuals.

**SNAP** released June 1997

SNAP Language Reference ( Not used in this Office Action)

Using the SNAP Language ( Not used in this Office Action)

Using the SNAP Communication Component ( Not used in this Office Action)

Using the SNAP Graphic User Interface Component ( Not used in this Office Action)

Getting Started with SNAP ( Not used in this Office Action)

Using the SNAP Display Editors ( Not used in this Office Action)

SNAP Class Library Reference ( Not used in this Office Action)

Using the SNAP External Application Software Component ( Not used in this Office Action)

Using the SNAP Development Environment (Referred to as **SNAP** )

SNAP Module Library Reference ( Not used in this Office Action)

Using the SNAP Permanent Storage Component ( Not used in this Office Action)

**Workflow** released September 1997

Developing a WFT Workflow System (Referred to as **WFT** )

Using the WFT Development Environment (Referred to as **Using**)

WFT Library Reference ( Not used in this Office Action)

**Web Component**

Using the Web Component ( Not used in this Office Action)

Since, these products work together they constitute a single reference and can be used as the basis for a rejection based on anticipated by a product offering.

**Claim 1**

**Template** anticipates a system stored on computer readable media comprising:

an input component that reads a meta-model to determine a structure of an item (Using, page 4-28 to 4-29, class editor – used to define what objects will be based on the meta data among the classes), the meta-model comprising at least one meta-relationship and at least one meta-class (Using, page 4-12 - inheritance lines and SNAP, Chapter 3) , the at least one meta-relationship describing one or more relationships between meta-classes and the at least one meta-class being a class encapsulating data employed to represent another class (Using, Chapter 4, page 4-12, Object Model Editor – inheritance line between classes).

NOTE: **Encapsulation** is a principle of Object Technology – claim limitation is normal intended use of object technology.

**Claim 4**

The system of claim 1, the input component is associated with services that operate in conjunction with an operating system framework. (Inherent - By definition instantiation is part of object technology and allocation of memory is required – this requires the operating system. It is not an option to allocate memory (RAM or on a storage device) when instantiating an object).

**Claim 8**

The system of claim 1, the item is a document. (Using, page 3-12 what flows on the lines such as Refusal are work items, work items are documents).

**Claim 11**

The system of claim 1, the at least one meta-class is associated with a relational database. (Using, Chapter 5, Schema Editor to map to database and SIB connections specify some of the options which include but are not limited to Relational DBs, see SNAP, Chapters 5 and 6, pages 6-5, DB support ).

**Claim 12**

The system of claim 1, the at least one meta-class is identified via a globally unique identifier. (WFT, 9-21, Node in figure 9-7 is an instantiated object – this is an example of unique identifiers in the object oriented commercial product).

**Claim 13**

The system of claim 1, the at least one meta-class is identified via at least one of a name and a caption to facilitate application development. (WFT, 9-21, figure 9-7, Name is the ID of claim 12, caption is the Task name).

**Claim 18**

The system of claim 1, the at least one meta-relationship optionally including at least one meta-role. (Using, Chapter 7, Application editor – are the Roles).

**Claim 22**

**Template** anticipates a data management system stored on computer readable media, comprising: a processing component that receives an item that comprises a meta-model, the meta-model comprising one or more meta-classes, the one or more meta-classes comprising classes encapsulating data employed to represent another class (Using, page 4-28 to 4-29, class editor – used to define what objects will be based on the meta data among the classes); and an analysis component that determines at runtime a structure of the item by reading the meta-model. (Using, Chapter 4, page 4-12, Object Model Editor – inheritance line between classes).

NOTE: **Encapsulation** is a principle of Object Technology – claim limitation is normal intended use of object technology.

**Claim 29**

**Template** anticipates a Computer executable instructions for performing a method to process meta-data, the computer executable instructions stored on computer readable media, the method comprising: receiving at least one meta-model object the meta-model object comprising at least one meta-relationship between two or more meta-model classes (Using, page 4-28 to 4-29, class editor), determining the structure of an item according to the meta-relationship between the two or more meta-model classes. (Using, Chapter 4, page 4-12, Object Model Editor – inheritance line between classes).

**Claim 35**

Template anticipates a computer implemented system stored on computer readable media, the system to facilitate determining the structure of an item, comprising:

means for modeling a meta-data object, the meta-data object comprising a meta-model (Using, page 4-28 to 4-29, class editor – used to define what objects will be based on the meta data among the classes), the meta-model comprising a meta-relationship between two or more classes; and means for determining the structure of the item at least in part via the meta-relationship. (Using, Chapter 4, page 4-12, Object Model Editor – inheritance line between classes).

5. Claim 13 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Template in view of MS Visual Basic.

Claim 13 is rejected under 102 above. In the event the limitation “caption” is not anticipated another possible definition commonly found in Microsoft products.

**Claim 13**

The application programming interface of claim 9, the meta-class is identified via at least one of a name (WFT, 9-21, Node in figure 9-7 - Name is the ID) and a caption to facilitate application development (VB6, pages 65-66, caption). WFT anticipates names of meta-classes and VB6, teaches the use of caption for identifying programming constructs (controls in this section of the reference). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Template and Microsoft, because the well established use of captions assist in visual identification in software development environments.

*Response to Arguments*

6. Applicant's arguments with respect to claim 1, 4, 8, 11 – 13, 18, 22, 29 and 35 have been considered but are moot in view of the new ground(s) of rejection.
7. If the claimed invention is related to the Assignee's commercial product BizTalk™ the Applicant should consider submitting an IDS.
8. References must be taken as a whole. The product teaches the claimed invention numerous times in numerous locations. One of ordinary skill should be well aware of the principles of Object Oriented technology.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

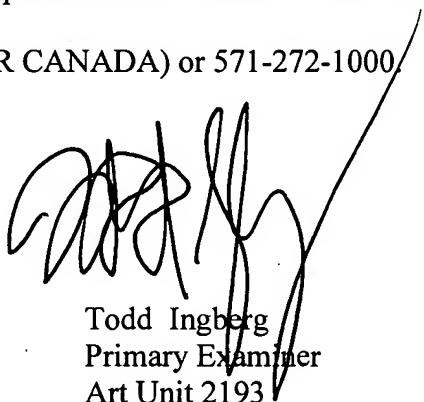
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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